

D' contacting a nucleic acid sample from a human patient with a probe which hybridizes to a target polynucleotide sequence under stringent conditions that include washing with 0.2x SSC at 65°C for 15 minutes, the target polynucleotide sequence comprising a sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7, SEQ ID NO:8, SEQ ID NO:9, SEQ ID NO:10, SEQ ID NO:11, SEQ ID NO:12, and SEQ ID NO:13 wherein the probe is contacted with the sample under conditions in which the probe hybridizes selectively with the target polynucleotide sequence to form a stable hybridization complex; and

detecting the formation of a hybridization complex to determine the relative copy number of a nucleic acid in chromosomal region 20q13.2, thereby identifying the presence or absence of neoplastic cells having an increased copy number of nucleic acid sequences at chromosomal region 20q13.2.

These amendments are made without prejudice and are not to be construed as abandonment of the previously claimed subject matter or agreement with the Examiner's position. In accordance with the requirements of 37 C.F.R. § 1.121, a marked up version showing the changes to the claims, is attached herewith as Appendix A. For the Examiner's convenience, a complete claim set of the currently pending claims is also submitted herewith as Appendix B.

### **REMARKS**

#### **Status of the Claims.**

Claims 26-63 are pending with entry of this amendment, claims 1-25 being cancelled and no claims being added herein. Claim 26 is amended herein. This amendment introduces no new matter. Support is replete throughout the specification (*e.g.*, page 12, line 22 to page 13, line 30, in the claims as filed, *etc.*).

Claims 26-28, 37, 56, and 61-63 were rejected under 35 U.S.C. §112, first and second paragraphs. Claims 26, 56, and 61-63 were rejected under 35 U.S.C. §102 as allegedly anticipated by Morris *et al.* (1990) *Cytogenet. Cell Genet.*, 53; 196-200. Applicants respectfully traverse.

#### **Election/Restriction.**

Pursuant to a restriction requirement made final, Applicants cancel claims 1-25 with entry of this amendment. Please note, however, that Applicants reserve the right to file subsequent